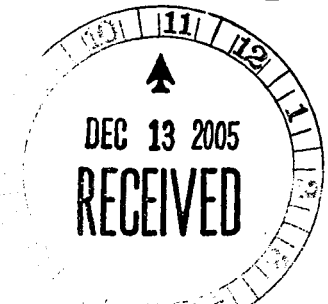


*The Commonwealth of Massachusetts*

CHAIRMAN  
HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054



**JAMES R. MICELI**

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December 12, 2005

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street NW  
Washington, DC 20423

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Re: STB Docket FD\_34776\_0

Dear Secretary Williams,

I am writing in support of the National Solid Waste Management Association's (NSWMA) petition for a declaratory order regarding the operation of solid waste transfer stations in North Bergen, New Jersey.

This site is operating as a solid waste processing facility not a transfer station, as was clearly laid out in the *Petition of National Solid Wastes Management Association for Declaratory Order*. The proper jurisdiction for this type of facility is with state and local governments, not the Surface Transportation Board. The fact that the operators of this facility process waste deems them ineligible for an exemption under the Interstate Commerce Commission Termination Act (ICCTA).

The ICCTA is being exploited by these facilities, purely for economic benefits. Companies are attempting to bypass state and local regulations by filing for exemptions with the Surface Transportation Board. The regulations that state and local governments developed are intended to protect people and the environment, not to deter economic benefit to companies. Every other solid waste processing facility in the state complies with the established regulations, and they obviously run a profit or they would no longer exist. Exempting a company with a rail affiliation gives those companies an unfair economic advantage.

No company should be allowed to side step any regulations proposed by state and local governments for the purpose of public safety and public health. If you allow this company to operate without the appropriate state and local regulations and policies in place, you are deregulating an industry that can affect the health of the entire community. In addition, you may be doing irreparable harm to the surrounding environment.

After careful review of the evidence, I ask that you rule in favor of the Declaratory Order to protect the health and public safety of those in the communities affected.

Thank you for your consideration.

Sincerely,

**JAMES R. MICELI**  
Chairman